

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

This matter is before the court on the defendant's Motion to Dismiss for Lack of Jurisdiction (Filing No. 99). The court finds the defendant's motion to be without merit. On April 21, 2005, a three-count indictment was filed charging the defendant with federal crimes in violation of 21 U.S.C. §§ 846 and 841(a)(1) & (b)(1) (Filing No. 1). On August 18, 2005, the defendant plead guilty to count one of the federal indictment for charges in violation of Title 21 U.S.C. § 846. See Filing No. 37.

Article III of the United States Constitution gives the federal judicial branch subject matter jurisdiction over all cases arising under laws of the United States. The Constitution through Congress has given this court authority over this federal criminal case. See 18 U.S.C. § 3231 (2000). Thus, this court does not lack subject matter jurisdiction.

THEREFORE, IT IS ORDERED:

1. The defendant's Motion to Dismiss for Lack of Jurisdiction (Filing No. 99) is denied.
2. The Clerk is directed to mail a copy of this order to the defendant at his last known address.

DATED this 21st day of November, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge